



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

AS

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,039	06/01/2001	Wayne D. Jung	JJL10B	5400

7590 01/05/2005  
LOUDEMILK & ASSOCIATES  
PO BOX 3607  
LOS ALTOS, CA 94024-0607

EXAMINER
----------

KIM, PAUL L

ART UNIT	PAPER NUMBER
----------	--------------

2857

DATE MAILED: 01/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/872,039

Applicant(s)

JUNG ET AL.

Examiner

Paul L Kim

Art Unit

2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 2-8, 15-27, 29 and 31-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-8, 15-18, 29 and 31-46 is/are allowed.
- 6) ☒ Claim(s) 20, 26, 27, 47 and 48 is/are rejected.
- 7) ☒ Claim(s) 24 and 25 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 20, 26, 27, 47, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gigliotti et al in view of Wood et al.

With regard to claims 20, 26, and 27, Gigliotti et al teaches a method of controlling a spectral measurement device comprising: receiving operational commands with the first system (fig. 1, part 16), operating the first system in accordance with the commands (col. 2, lines 22 & 23), wherein a system at the second location receives and stores operational data, the data including normalization data being indicative of a qualitative capability of the first system to make spectral measurements (col. 3, lines 6-14). Gigliotti et al, however, does not specify the second location being remote from the first system. Wood et al teaches a method for remotely controlling and receiving data, through an Internet connection, from a plurality of imaging systems (fig. 1, parts 10 & 100 and col. 1, lines 40-45) in which a message is displayed (fig. 1, part 26). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to include a means for remote communications, as taught by Wood et al, so as to derive the added benefit of convenience from being able to control several systems from one location.

With regard to claims 47 and 48, Gigliotti et al teaches a method for providing spectral measurements comprising: providing a first system and making spectral measurements with the first system (fig. 1, part 16), transmitting spectral data to a second location and receiving spectral data with a system at a second location (fig. 1, part 18), providing color characteristics that correspond to spectral measurements made by the first system used in a manufacturing operation (abstract), and wherein the first system is operationally controlled based on commands transmitted from a remote location (fig. 1, part 20). Gigliotti et al, however, does not specify the second location being remote from the first system. Wood et al teaches a method for remotely controlling and receiving data from a plurality of imaging systems (fig. 1, parts 10 & 100 and col. 1, lines 40-45). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to include a means for remote communications, as taught by Wood et al, so as to derive the added benefit of convenience from being able to control several systems from one location.

3. Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gigliotti et al and Wood et al in view of Kirkpatrick.

Gigliotti et al and Wood et al teaches data being remotely transmitted and received, but does not specify the system storing operational data periodically indicative of history of operation. Kirkpatrick teaches a method for monitoring a piece of equipment in which a device periodically records the operation of the equipment and forms a history (abstract & col. 7, lines 55+). It would have been obvious to one of

ordinary skill in the art, at the time of the invention, to modify Gigliotti et al and Wood et al, so that history of operation of the system is recorded, as taught by Kirkpatrick, so as to derive the benefit of improved reliability through periodically diagnosis.

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 20-23, 47, and 48 have been considered but are moot in view of the new ground(s) of rejection.

### ***Allowable Subject Matter***

5. Claims 2-8, 15-18, 29, and 31-46 are allowed.

Claims 24 and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

Art Unit: 2857

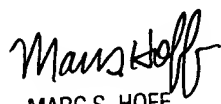
mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Kim whose telephone number is 571-272-2217. The examiner can normally be reached on Monday-Thursday 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on 571-272-2216. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

PK  
December 29, 2004

  
MARC S. HOFF  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800